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OFFICE OF PETITIONS

In re Application of	:	
Shiozaki, et al.	:	
Application No. 10/500,819	:	ON PETITION
Filed: July 7, 2004	:	
Attorney Docket No. Y31-170800C/KK	:	
For: ACTIVE SUBSTANCE OF POSITIVE	:	
ELECTRODE AND NONAQUEOUS	:	
ELECTROLYTE BATTERY CONTAINING	:	
THE SAME	:	

This is a decision on the petition under 37 CFR 1.181, filed February 28, 2008, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit a reply to the April 25, 2007 final Office action, which set a three month extendable period for reply. No extensions of time or reply being received, the Office contended that this application became abandoned on July 26, 2007. A Notice of Abandonment was mailed on January 15, 2008.

Petitioners allege that the April 25, 2007 final Office action was not received at the correspondence address of record.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.¹


¹ See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioners have submitted a copy of the docket records where the requirement would have been entered had the April 25, 2007 final Office action been received. In addition, practitioner referenced the records in the petition and stated that a review of the application's file for the April 25, 2007 final Office action was fruitless.

Petitioners have established non-receipt. The petition is **granted**, the Notice of Abandonment is vacated, and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center AU 1745 for the re-mailing of the April 25, 2007 final Office action with a new period set for reply.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.


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